IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2662 OF 2005
IN
CRIMINAL APPEAL NO. 440 OF 2005
IN
SESSIONS CASE NO. 1273 OF 1997

Mohd. Kamar Abdul Ansari ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr. M.V.Khatavkar Advocate for Applicant
Mr. D.P.Adsule, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JUNE 23,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant has been convicted under Sections 392, 394 and 398 of IPC and sentenced to imprisonment for seven years. He has also been convicted under Section 452 read with Section 34 of

IPC and sentenced to R.I. for five years.

3. It is the prosecution case that the applicant along with other accused at about 2 p.m. entered into the house of the complainant i.e. P.W.1 Dr.Sitaram Bhakare. The applicant was armed with chopper at that time. Immediately on entering the applicant assaulted the complainant with weapon like chopper. The complainant tried to save himself and in the process he sustained injuries on his left hand. In the meantime, the associate of the applicant attacked the complainant with chopper. Due to the said assault, the complainant received injury near the waist. At that time, the wife of the complainant came rushing from the kitchen and she started shouting for help. On hearing the shouts, P.W.2 Dr.Patil arrived at the spot. Due to this, second assailant ran away. However, the first assailant i.e. the present applicant could not escape. The complainant caught hold of the present applicant and the police were informed. The police arrived within fifteen minutes and took charge of the present applicant and the weapon in his hand. Due to the injuries

sustained by the complainant, blood was spread on the floor. Thus, it is seen that there is sufficient material which connects the applicant with the crime. It is to be noted that the applicant was caught red-handed while trying to commit robbery in the house of the complainant. Thus even though the applicant was on bail pending the trial, I do not think that this is a fit case to grant bail.

4. Application is rejected.

[V.K.TAHILRAMANI,J.]